

1 **ADVOCATE**

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3 **Rule 3.1. Meritorious Claims and Contentions.**

4 A licensed paralegal practitioner shall not assert or controvert an issue in a negotiation,
5 unless there is a basis in law and fact for doing so that is not frivolous.

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7 Comment

8 [1] The advocate in a negotiation has a duty to use legal procedure for the fullest benefit of the
9 client's cause, but also a duty not to abuse legal procedure. The law, both procedural and
10 substantive, establishes the limits within which an advocate may proceed. However, the law is
11 not always clear and never is static. Accordingly, in determining the proper scope of advocacy,
12 account must be taken of the law's ambiguities and potential for change.

13 [2] What is required of licensed paralegal practitioners is that they inform themselves about the
14 facts of their clients' cases and the applicable law and determine that they can make good faith
15 arguments in support of their clients' positions. Such action is not frivolous even though the
16 paralegal practitioner believes that the client's position ultimately will not prevail. The action is
17 frivolous, however, if the licensed paralegal practitioner is unable either to make a good-faith
18 argument on the merits of the action taken or to support the action taken by a good-faith
19 argument for an extension, modification or reversal of existing law.